

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 27, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08MD-095
08MD-096
Maui

Approval in Principle of the Acquisition of Private Lands
for a New Kihei High School Campus, Portion of Kula,
Makawao, Maui, Tax Map Keys: (2) 2-2-02:15 por. & 54 por.

APPLICANT AGENCY:

Department of Education

PRIVATE LANDOWNERS:

TMK	Landowner	Address
(2) 2-2-02:15 por.	Kaonoulu Ranch, LLLP	P.O.Box 390 Kula, Hawaii 96790
(2) 2-2-02:54 por.	Haleakala Ranch Company, et al.	529 Kealahoa Avenue Makawao, Hawaii 96768

LEGAL REFERENCE:

Sections 107-10, 171-11 and 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Privately-owned lands situated at Kihei, portion of Kula, Makawao, Maui, identified by Tax Map Key: (2) 2-2-02: 15 por. and 54 por., as generally shown on the attached tax map labeled Exhibit A and further identified on Exhibit B, attached.

AREA:

Combined, approximately 77.182 acres of land is expected to be required for the school site. Actual land areas shall be subject to a survey and final subdivision approval.

ZONING:

Although portions of TMK (2) 2-2-02:15 are in the State Land Use Urban District and are zoned Open by the County of Maui, land considered in this acquisition are in the State Land Use Agriculture District and zoned Agriculture by the County of Maui.

CURRENT USE:

Vacant

CONSIDERATION:

One-time payment to be determined by independent appraiser contracted for by the State and subject to review and approval by the Chairperson, or the amount appropriated and released for the proposed land acquisition, whichever is less. If DOE pays for and processes the subdivision applications on behalf of the landowners, the aforementioned appraisal shall consider an appropriate valuation methodology that appropriately recognizes the non-subdivided nature of the land.

PURPOSE:

New high school campus to serve the south Maui region including the Kihei, Makena and Wailea areas.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 343-5(a)(1), HRS, an environmental assessment (EA) is not required where State or county funds are being used for the acquisition of unimproved real property. As the subject lands are unimproved, an EA is not required for the acquisition of these lands.

However, DOE may be required to pay for and process the subdivision for the proposed school site. Inasmuch as the Chapter 343 environmental requirements may apply to Applicant's use of State funds to subdivide land prior to acquisition as well as the subsequent use of the land acquired, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REQUIREMENTS:

- 1) Applicant shall pay for the cost of the appraisals to determine the value of the properties to be acquired;
- 2) Process and obtain subdivision approvals at no cost to the Department;
- 3) Provide survey maps and descriptions for the privately-owned property according to State DAGS standards and at Applicant's own cost;
- 4) Obtain title reports for the privately-owned properties at Applicant's own cost and subject to review and approval by the Department;

- 5) Applicant shall pay for and conduct a Phase I environmental site assessment that shall be prepared for the State. If this Phase I identifies the potential for hazardous materials release or the presence of hazardous materials, a Phase II environmental sampling and analysis plan shall be conducted and any and all remediation, abatement and disposal as may be warranted shall be performed as satisfactory to the standards required by the Federal Environmental Protection Agency and/or the State Department of Health, all at no cost to the State.

REMARKS:

The Department of Education (DOE) is requesting the Board of Land and Natural Resources (BLNR) to approve in principle the acquisition of privately owned lands. These lands are required for a new high school campus to serve the south region of Maui, including Kihei, Makena and Wailea.

Although Maui's south region has experienced significant population growth during the past ± 20 years, Kihei Charter School remains the only school in the region that provides public education to students through grade 12. However, Kihei Charter School was not intended to meet Maui's south regional need for a DOE complex-based high school. Currently, these needs are serviced by Maui High School, approximately eight miles north of Kihei.

Consequently, the establishment of a new high school campus in the south region of Maui is a high priority DOE project. The proposed school will initially accommodate up to 1,000 students and provide for future expansion to accommodate up to 1,650 students. The Kihei high school shall also provide for the reestablishment of school district boundaries to alleviate overcrowding at the two existing central region high schools.

Accordingly, DOE has commissioned an independent site selection study for the proposed school campus. In the selection process, the consultant screened potential sites based on various technical criteria. Whereas the initial phase of this study only considered individual parcels, campus layout proposals were limited by physical constraints without consideration of possible benefits afforded by the possible consolidation of adjacent sites.

Based on subsequent DOE discussions, the study then evaluated additional sites, including sites that would require subdivision and reconsolidation with adjacent lands. Based on archaeological and traffic assessments, as well as general environmental, topographical and "buildability" analyses, the site selection report identified the subject site as the best site for the proposed high school campus.

The proposed subject site is identified by tax map key as TMK (2) 2-2-02:por. 15 ("Parcel 15") and por. 54 ("Parcel 54"), as generally shown on Exhibit A and in greater detail on Exhibit B. Generally, the proposed site is situated along the mauka side of Piilani Highway, extending nearly a half-mile mauka. Ka'ono'ulu gulch is to the north of the subject and Waiohuli gulch generally forms the subject's south side boundary. The landowners have reviewed and generally approve of the preliminary survey maps identifying the proposed school site. Selection of the proposed site does not require Board of Education approval.

Whereas current highway ingress/egress to Parcel 54 will be included in the proposed school site's highway frontage, the current landowners have requested that any conveyance of land shall include that an access easement be reserved as generally depicted on Exhibit B. This easement reservation will provide for the future development of an access road to be aligned between Ka'ono'ulu gulch and the subject site's northern side boundary, provided that such improvements be built and maintained at no cost to the State. Although the future road alignment may bisect the school campus as shown on Exhibit B, the landowner does not wish to retain any portion of this site. Consequently, to minimize hazards associated with the future access road, DOE uses of the non-contiguous portion may include, but shall not be limited to, appropriate drainage retention or special event parking. Despite the proposed access easement alignment, DOE opines that the proposed site provides for an otherwise efficient school campus layout and operation.

A final decision has not been made as to who will be responsible for the subdivision of land. Should the subdivisions be processed by and at the expense of DOE, any appraisal contracted for by the Department shall then appropriately consider the proposed sites as un-subdivided.

Although planning funds for the proposed school campus have been released, release of appropriated funds for land acquisition and construction are expected before the end of fiscal year 2009.

Subject to BLNR's approval in principle, staff will continue to work with DOE in obtaining and reviewing appropriate due diligence. Subject to the release of acquisition funding and prior to final documentation of the proposed land acquisition, staff shall present all due diligence results to the BLNR for their consideration and final approval. Consequently, no comments from governmental agencies were solicited at this time. Solicited comments from appropriate agencies shall be included in the request for BLNR's final approval.

A copy of the State's current standard warranty deed form has been provided to the landowners for review. The landowners are aware that the conveyance of land shall be subject to the terms and conditions contained therein.

RECOMMENDATION: That the Board:

1. Approve in principle the above-described land acquisition under the terms and conditions cited above which are by this reference incorporated herein and subject to the following;
 - A. Details of the proposed acquisition shall be submitted to the Board for final approval prior to documentation;
 - B. The standard terms and conditions of the most current deed document form, as may be amended from time to time;
 - C. Review and approval by the Department of the Attorney General;
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gavin Chun
Project Development Specialist

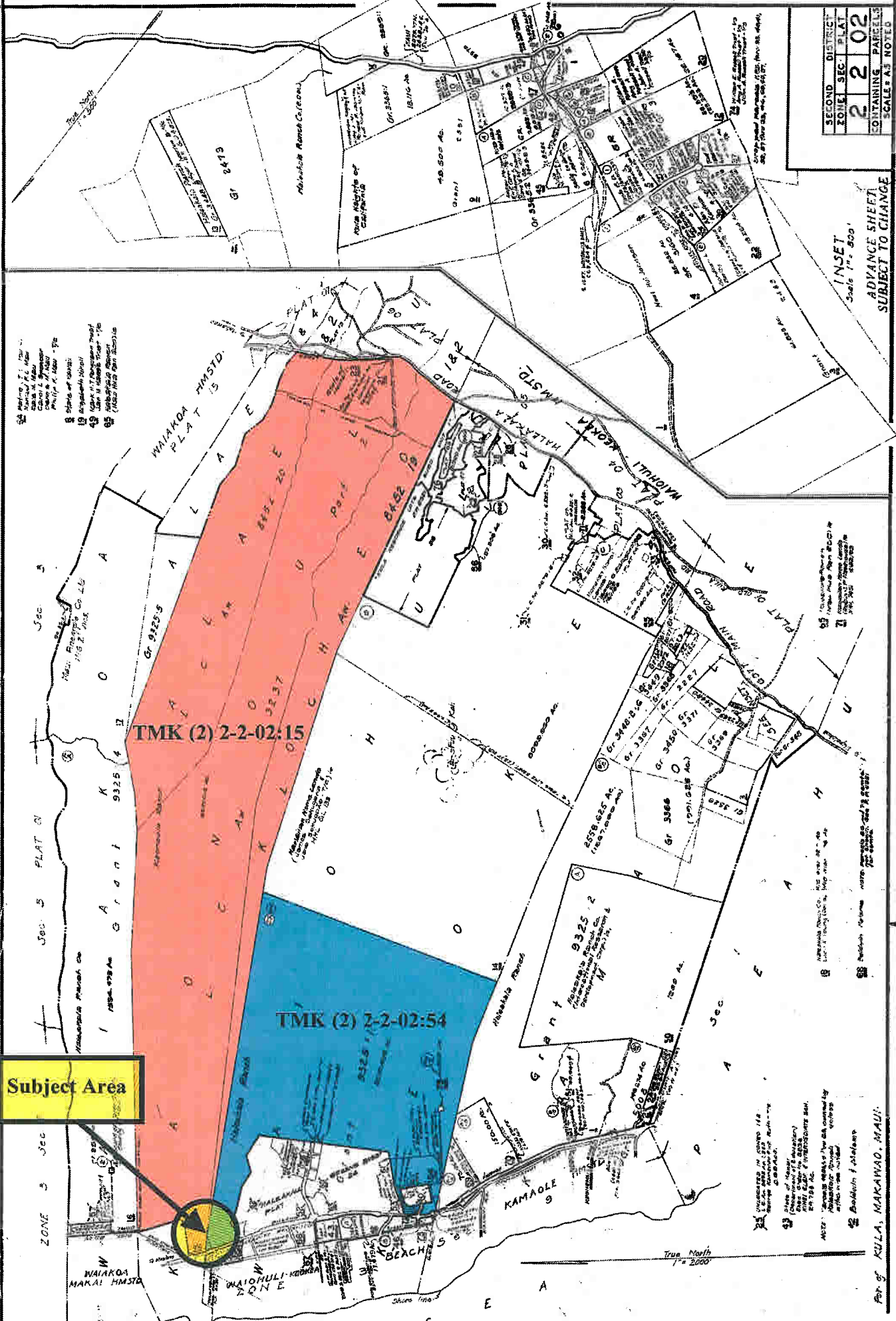
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

SECOND	DISTRICT	ZONE	SEC	PLAT	2	2	02
CONTAINING PARCELS							
SCALE AS NOTED							

INSET
Scale 1" = 500'
ADVANCE SHEET
SUBJECT TO CHANGE



Subject Area

EXHIBIT A

Part of KULA, MAUI, HAWAII

